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Dominique Beaufort

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

BROOKS, MATTHEW L

ART UNIT

PAPER NUMBER

3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This communication is in response to the filing on 04/09/2010.

Status of Claims

2. Original claims 1-3 and 6-8 are currently pending.

Priority/Continuation Data

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

10517475, filed 12/07/2004 and having 1 RCE-type filing therein

is a national stage entry of PCT/IB03/02464 , International Filing Date: 06/04/2003

claims foreign priority to 0207151 , filed 06/11/2002

Claim Objections

4. Claims 1-3 and 6-8 are objected to because of the following informalities: the claims were missing proper punctuation where appropriate to facilitate understanding/ clear interpretation of the claims. A "Clean Copy" of the claims attached, demonstrates a possible solution and is how Examiner interpreted the claims in the 102 rejection below. Appropriate correction is required.

Claim Rejections - 35 USC § 112 2nd

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 8** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner initially rejected the claim 8 for missing structure. Applicant has added the “processor to enable”. For purposes of examination, Examiner is interpreting the “itinerary search request” is not intended as a “signal” and is assuming this meets the standards of 101.

Claim Rejections - 35 USC § 112 1st

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The NEW MATTER can be found by looking at claim 1, limitation (b), attached below, emphasis added.

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“ b. a processor to (i) receive said itinerary search request, (ii) compute at least one itinerary from said search criterion by using a transport database, said itinerary considering two or more forms...”

(Note: claim 1, is an example, remaining claims, with same new matter issues, are rejected under same analysis.)

Examiner has searched the entire specification and cannot find support for "a processor", let alone that it was the hardware responsible for carrying out the method claimed or part of the system that was initially claimed.

Also, the word “two” is not in the specification, nor is the phrase “two or more forms”.

The new subject matter has required Examiner to conduct new search for new art, herein applied. However, Applicant is asked upon reply to point to specifically where the two amendments above can be found in the original filed specification. *NOTE: See Remarks Below, where Applicant has cited in last reply to a page lines that do not exist.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-3 and 6-8** are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Number: 5,948,040 (DeLorme).

11. With respect to **claim 1** : DeLorme teaches a system comprising at least a communication network (C3, 20-25 – networks/internet), a user entity (Fig 2, '205) and a server entity (C14, 66 – bridging C15, 1-8; - "[REDACTED] can also work with alternative end-user hardware platforms; e.g., networked work stations; "kiosk" information terminals linked to a **central server**; portable laptop, notebook, in-vehicle, or handheld personal digital assistant (PDA) portable computer devices typically equipped with a wireless communications and/or user location, e.g., Global Positioning System ([REDACTED]) capabilities."), the system comprising:

said user entity having

a. a processor to (Fig 9A, '912 – CPU; AND "processor" at C75, 45-65 – "The WCU at 907 in FIG. 9 preferably includes, at 908, an attached or built-in global positioning satellite position sensor, or equivalent user location means. By

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monitoring signals 909 from multiple satellites 910, other radio signal analyses or dead-reckoning data computations, position sensors (such as **GPS** sensor 908) generate data on the current location of the sensor and its user. With digital clock data plus state-of-the art associated circuitry and programs, **GPS** sensor 908 and equivalent position sensing devices also compute and output current travel direction, speed and the precise time on a real time basis, i.e., updated at short time intervals, e.g., 10 seconds to 2 minutes. This standard **GPS** sensor 908 output is monitored by the **processor** and memory capabilities 912 within the WCU 907.”)

(i) enable a user to define at least one itinerary search criterion and at least one service (Fig 3, ‘205 “input”; AND C7, 20-25 - “user defined”; AND C6, 60-68 – “waypoint selected by user),

(ii) send an itinerary search request to said server entity via said communication network, said request comprising at least said search criterion and said service (Fig 2, input 205 is sent to ‘203 for processing) ,

(iii) receive a response via said communication network (Fig 2, ‘227 – “output” and corresponding text in specification relating to such output; AND C7, 20-25), and

(iv) present said response (Fig 2, ‘227 – “output”; AND C4, 33-37; “travel plan output”; AND/OR Abstract – “map ticket” and “Online computer-aided routing system enables input of selectable travel origin, destination,

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and waypoints to compute travel routes, available transportation services, costs, options, and schedules. A point-of-interest database lets users pick types of attractions or accommodations within a user-selected region around routes of travel. **Users engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan. The system provides printed or electronic output that may include any one or more of text itinerary, ordered set of travel maps, customized collection of information on points of interest information and a selected array of valid reservation confirmations, tickets and/or discount coupons coded with elements for automated recognition and processing. Mobile users, including **GPS**-linked users, can access the system via wireless communication units.**");

said server entity having,

b. a processor to ((C14, 66 – bridging C15, 1-8; - **GPS** can also work with alternative end-user hardware platforms; e.g., networked work stations; "kiosk" information terminals linked to a **central server**; portable laptop, notebook, in-vehicle, or handheld personal digital assistant (PDA) portable computer devices typically equipped with a wireless communications and/or user

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location, e.g., Global Positioning System (GPS) capabilities.”),

(i) receive said itinerary search request, (ii) compute at least one itinerary from said search criterion by using a transport database, said itinerary considering two or more forms of transportation to determine an optimal itinerary, (iii) select at least one provider providing said service and fulfilling at least one proximity condition with respect to the computed itinerary by using a database of service providers, said proximity condition being adapted as a function of at least one of the following parameters: a transport mode and the type of traversed zones (Fig 5, D – clearly shows traversed zones being considered), and (iv) send, to said user entity via said communication network, a response comprising the computed itinerary with localization of the selected provider.

12. With respect to **claim 3** : DeLorme teaches a search method for a user using a user entity the method comprising the steps of:

by the user using the user entity,

a. defining at least one itinerary search criterion and at least one service (Fig 3, ‘205 “input”; AND C7, 20-25 - “user defined”; AND C6, 60-68 – “waypoint selected by user);

b. computing at least one itinerary responding to said search criterion (Fig 2, ‘227 – “output” and corresponding text in specification relating to such output; AND C7, 20-25) by using a transport database , said itinerary considering two or more forms of

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transportation to determine an optimal itinerary (Fig 1C, '163 – “HOW?”; AND C7, 60-65);

c. selecting at least one provider providing said service which fulfills at least one proximity condition (C2, 25-30 – “relatively proximate”) with respect to the computed itinerary by using a database of service providers (Fig 5D, directly under '594; lists restaurants), said proximity condition being adapted as a function of at least one of the following parameters: a transport mode (C6, 24 – “mode or modes of travel”; AND/OR C4, 23-27; AND/OR C8, 40-45) and the type of traversed zones (Fig 5B and 5C, show traversed zones, and consideration of the proximity of options along route traveled is shown at Fig 5D, 591-594 – and see corresponding text in specification); and

d. presenting the computed itinerary with localization of the selected provider (Fig 2, '227 – “output”; AND C4, 33-37; “travel plan output”; AND/OR Abstract – “map ticket” and “Online computer-aided routing **system enables input of selectable travel origin, destination, and waypoints to compute travel routes, available transportation services, costs, options, and schedules.** A point-of-interest database lets users pick types of attractions or accommodations within a user-selected region around routes of travel. **Users engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters,** comparing times and costs of transportation options, in order to achieve a satisfactory travel plan. The

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system provides printed or electronic output that may include any one or more of text itinerary, **ordered set of travel maps, customized collection of information on points of interest information and a selected array of valid reservation confirmations**, tickets and/or discount coupons coded with elements for automated recognition and processing. Mobile users, including **gps**-linked users, can access the system via **wireless communication units.**“).

13. With respect to **claim 6** : DeLorme teaches a search method as claimed in claim 3, wherein the service can be user defined (Fig 5D, directly under ‘594; lists restaurants, which the selection of looking for a restaurant rather than hotel is user defined in the request) independently of the definition of the at least one itinerary search criterion, and in that the services defined are stored in a current list intended to be used during the itinerary computation (C4, 33-37; “travel plan output”; AND/OR Abstract – “map ticket” and “Online computer-aided routing **system enables input of selectable travel origin, destination, and waypoints** to compute travel routes, available transportation services, costs, options, and schedules. A point-of-interest database lets users pick types of attractions or accommodations within a user-selected region around routes of travel. **Users engage in an**

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iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan. The system provides printed or electronic output that may include any one or more of text itinerary, **ordered set of travel maps, customized collection of information on points of interest information and a selected array of valid reservation confirmations, tickets and/or discount coupons coded with elements for automated recognition and processing. Mobile users, including **gps-linked users, can access the system via wireless communication units.**").**



14. With respect to claims 2, 7, and 8 the server entity, computer readable storage medium, and itinerary search request/processor, is rejected being having nearly identical limitations as the above system and method are rejected under the same analysis as above. However for the "medium" not yet specifically addressed see,

Response to Arguments

15. Applicant's arguments (filed 04/09/2010), with respect to claims 1-3 and 6-8 with respect to the art rejections (pages 9-12 respectively), have been considered but are moot in view of the new ground(s) of rejection.

16. With respect to p. 7, second full paragraph, the lack of proper punctuation, combined with the mistakes in underlining in claims received 12/01/2009, lead to much confusion, Examiner makes amends by including in reply a clean copy of claims to make sure the claims are being interpreted and amended as Applicant intends (See "clean copy" attached).

17. With respect to p. 8, first paragraph, Applicant has stated:

 This limitation is fully supported and enabled in the specification at least on page 7, lines 8-13. Claim 6 has been amended to no longer comprise the feature "*defining the service*" 

This cite, does not exist in original filed, or any specification of record. None the less the addition of the processor, eliminates the prior 112 1st rejection, now making a response moot.

18. With respect to p. 8, second full paragraph, support that Applicants list for "a processor", when looked at, is not there, this affects the 112 1st new matter "processor" rejection above (see above paragraphs 7-8).

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Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form 892; AND (i) "Clean Copy" of claims attached. (ii) Pertinent Patent Literature by DeLorme et al.; AND (iii) English Translations of the "X" references in the ISR dated 02/09/2003 (snapshot below) are herein attached.

X	DE 100 05 780 A (BOSCH GMBH ROBERT) 16 August 2001 (2001-08-16) column 1, line 21-26 column 1, line 63-67 column 2, line 26-52 column 4, line 4-13	1-3,5-9
Y		4
X	EP 1 128 163 A (DEUTSCHE TELEKOM AG ;AUDI NSU AUTO UNION AG (OE)) 29 August 2001 (2001-08-29) column 3, line 11-26 column 17, line 1-11 column 17, line 30-33 column 25, line 13-36 column 26, line 11-14	1-3,6-9

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW L. BROOKS whose telephone number is (571)272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew L. Brooks/
Patent Examiner, GAU 3629
6/29/2010